



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

KNOBBE MARTENS OLSON  
& BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

**COPY MAILED**

**OCT 02 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Goddard et al.	:	
Application No. 10/063,617	:	LETTER REGARDING
Filed: May 3, 2002	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
P3230R1C001-168	:	

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT CALCULATION," filed January 29, 2008. Applicants request that the patent term adjustment (PTA) calculation to date be reviewed for accuracy.

The request for correction of the initial determination of patent term adjustment (PTA) is **DISMISSED**.

On November 6, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is three hundred fifty-four (354) days.

The Office initially determined a patent term adjustment of three hundred fifty-four (354) days based on an adjustment for examination delay of five hundred two (502) days, pursuant to 35 USC 154(b) and 37 CFR 1.703(a)(1), for issuance of an office action fourteen (14) months and 502 days after the date on which the application was filed. This amount was reduced by one hundred forty-eight (148) days of applicant delay pursuant to 37 CFR 1.704(b). This reduction was calculated as follows: A delay of 75 days for responding to the office action mailed on November 16, 2004, on May 2, 2005, three (3) months and 75 days

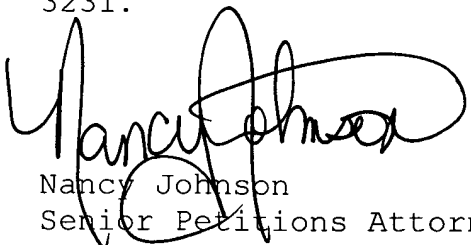
after the date the office action was mailed; seventy-two days for filing a supplemental reply, in the form of an information disclosure statement (IDS) filed on July 13, 2005, 72 days after the filing on May 2, 2005, of a response to a non-final action, and one (1) day for the filing of a Notice of Appeal on October 27, 2005, three (3) months and one (1) day after the mailing of a final office action mailed on July 26, 2005.

Applicants provide no specific basis for the request for review of the patent term adjustment. No fee was submitted for consideration pursuant to 37 CFR 1.705(b). Accordingly, the instant paper is being treated as a letter, advising the Office of an error in Applicant's favor pursuant to applicant's duty of good faith and candor. No fee is assessed for such a letter. Nonetheless, a review of the calculations of record reveals no error in applicant's favor.

It is noted that the instant paper was timely filed, pursuant to 37 CFR 1.705(b), with payment of the issue fee. Applicants are given TWO (2) MONTHS to submit the fee required under 37 CFR 1.18(e) and request reconsideration. No extensions of time will be granted under § 1.136.

The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish extending from the end of the name.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions